

SECOND REGULAR SESSION

# SENATE BILL NO. 894

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATORS NODLER, SHIELDS, BARTLE, CALLAHAN, GIBBONS AND GRIESHEIMER.

Read 1st time January 18, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3097S.02I

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### AN ACT

To repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to school districts providing an adequate education to students.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 163.021, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 163.021, to read as follows:

163.021. 1. A school district shall receive state aid for its education  
2 program only if it:

3 (1) Provides for a minimum of one hundred seventy-four days and one  
4 thousand forty-four hours of actual pupil attendance in a term scheduled by the  
5 board pursuant to section 160.041, RSMo, for each pupil or group of pupils, except  
6 that the board shall provide a minimum of one hundred seventy-four days and  
7 five hundred twenty-two hours of actual pupil attendance in a term for  
8 kindergarten pupils. If any school is dismissed because of inclement weather  
9 after school has been in session for three hours, that day shall count as a school  
10 day including afternoon session kindergarten students. When the aggregate  
11 hours lost in a term due to inclement weather decreases the total hours of the  
12 school term below the required minimum number of hours by more than twelve  
13 hours for all-day students or six hours for one-half-day kindergarten students, all  
14 such hours below the minimum must be made up in one-half day or full day  
15 additions to the term, except as provided in section 171.033, RSMo;

16 (2) Maintains adequate and accurate records of attendance, personnel and  
17 finances, as required by the state board of education, which shall include the  
18 preparation of a financial statement which shall be submitted to the state board  
19 of education the same as required by the provisions of section 165.111, RSMo, for  
20 districts;

21           (3) Levies an operating levy for school purposes of not less than one dollar  
22 and twenty-five cents after all adjustments and reductions on each one hundred  
23 dollars assessed valuation of the district;

24           (4) Computes average daily attendance as defined in subdivision (2) of  
25 section 163.011 as modified by section 171.031, RSMo. Whenever there has  
26 existed within the district an infectious disease, contagion, epidemic, plague or  
27 similar condition whereby the school attendance is substantially reduced for an  
28 extended period in any school year, the apportionment of school funds and all  
29 other distribution of school moneys shall be made on the basis of the school year  
30 next preceding the year in which such condition existed.

31           2. For the 2006-07 school year and thereafter, no school district shall  
32 receive more state aid, as calculated under subsections 1 and 2 of section 163.031,  
33 for its education program, exclusive of categorical add-ons, than it received per  
34 weighted average daily attendance for the school year 2005-06 from the  
35 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair  
36 share, and free textbook payment amounts, unless it has an operating levy for  
37 school purposes, as determined pursuant to section 163.011, of not less than two  
38 dollars and seventy-five cents after all adjustments and reductions. Any district  
39 which is required, pursuant to article X, section 22 of the Missouri Constitution,  
40 to reduce its operating levy below the minimum tax rate otherwise required under  
41 this subsection shall not be construed to be in violation of this subsection for  
42 making such tax rate reduction. Pursuant to section 10(c) of article X of the state  
43 constitution, a school district may levy the operating levy for school purposes  
44 required by this subsection less all adjustments required pursuant to article X,  
45 section 22 of the Missouri Constitution if such rate does not exceed the highest  
46 tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall  
47 be construed to mean that a school district is guaranteed to receive an amount  
48 not less than the amount the school district received per eligible pupil for the  
49 school year 1990-91. The provisions of this subsection shall not apply to any  
50 school district located in a county of the second classification which has a nuclear  
51 power plant located in such district or to any school district located in a county  
52 of the third classification which has an electric power generation unit with a  
53 rated generating capacity of more than one hundred fifty megawatts which is  
54 owned or operated or both by a rural electric cooperative except that such school  
55 districts may levy for current school purposes and capital projects an operating  
56 levy not to exceed two dollars and seventy-five cents less all adjustments required

57 pursuant to article X, section 22 of the Missouri Constitution.

58           3. No school district shall receive more state aid, as calculated in section  
59 163.031, for its education program, exclusive of categorical add-ons, than it  
60 received per eligible pupil for the school year 1993-1994, if the state board of  
61 education determines that the district was not in compliance in the preceding  
62 school year with the requirements of section 163.172, until such time as the board  
63 determines that the district is again in compliance with the requirements of  
64 section 163.172.

65           4. No school district shall receive state aid, pursuant to section 163.031,  
66 if such district was not in compliance, during the preceding school year, with the  
67 requirement, established pursuant to section 160.530, RSMo, to allocate revenue  
68 to the professional development committee of the district.

69           5. No school district shall receive more state aid, as calculated in  
70 subsections 1 and 2 of section 163.031, for its education program, exclusive of  
71 categorical add-ons, than it received per weighted average daily attendance for  
72 the school year 2005-06 from the foundation formula, line 14, gifted, remedial  
73 reading, exceptional pupil aid, fair share, and free textbook payment amounts, if  
74 the district did not comply in the preceding school year with the requirements of  
75 subsection 6 of section 163.031.

76           **6. Any school district that levies an operating levy for school**  
77 **purposes that is less than the median operating levy for school**  
78 **purposes for the current school year of every performance district must**  
79 **provide written notice to the department of elementary and secondary**  
80 **education asserting that the district is providing an adequate**  
81 **education to the students of such district. If a school district asserts**  
82 **that it is not providing an adequate education to its students, such**  
83 **inadequacy shall be deemed to be a result of insufficient local effort.**

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